

## **AMENDMENTS TO THE DRAWINGS**

As shown in the attached replacement drawing sheet, please amend item 210 of Fig. 2 from “Orthogonal Code Generator” to “Walsh Code Generator”.

## **REMARKS**

Claims 1-28 are pending in the application. The Examiner has objected to the drawings. The Examiner has provisionally rejected Claims 1-28 under obviousness-type double patenting.

Regarding the objection to the drawings, the Examiner stated that Fig. 2, item 210 is labeled "Orthogonal Code Generator", while item 210 is described in the specification as a "Walsh Code Generator". Attached hereto is amended Fig. 2 wherein item 210 of Fig. 2 has been changed from "Orthogonal Code Generator" to "Walsh Code Generator". Withdrawal of the objection to the drawing is respectfully requested.

Regarding the provisional rejection of Claim 1-28 under obviousness-type double patenting, the Examiner states that the claims are unpatentable over the claims of copending Application No. 09/957,967 (Your Ref. P9882; Our Docket No. 678-734). On October 14, 2004 Applicants representative, Michael J. Musella, Esq., conducted a telephone conference with the Examiner to discuss this rejection. It is respectfully submitted that section 822.01 of the M.P.E.P. clearly states, "If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent." Therefore, it is respectfully submitted that as the "provisional" double patenting rejection is the only remaining rejection in the present application (after correction of the drawings), the rejection should be withdrawn, and the application should be allowed to issue.

Independent Claims 1, 4, 7, 10, 13, 16, 19, 22 and 25-28 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17, 18, 20, 21, 23 and 24, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17, 18, 20, 21, 23 and 24 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-28, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the typed name.

Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/MJM